

Legislative Fiscal Bureau

Fiscal Note

HF 2507 - Anthrax Possession (LSB 5291 HV)
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Fiscal Note Version - New

Description

House File 2507 creates criminal offenses for possession or distribution of anthrax. A person who possesses anthrax commits a Class C felony. A person who knowingly distributes anthrax commits a Class B felony. The Bill provides that a person who possesses or distributes anthrax for a purpose authorized under federal law is exempt from the criminal penalties in HF 2507.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes court information. Conviction and penalty information is based on FY 2001 data.
5. Average length of stay in prison for a Class B felony is 87 months, based on FY 2001 data. The average length of stay in prison for a Class C felony is 51 months. The marginal cost per day for State prisons is \$16 per inmate.
6. Average length of stay on parole for a Class B felony is 36 months. The average length of stay on parole for a Class C felony is 30 months. The marginal cost per day for parole supervision is \$1.55 per offender.
7. The median cost for indigent defense per case is \$3,500 for a Class B felony and \$1,200 for a Class C felony.
8. The average cost per felony case for the Judicial Branch ranges from \$200 to \$600, depending on whether a jury trial occurs. These figures include the costs of a District Court Judge, Clerk of Court staff, a court reporter, and a court attendant.

Correctional Impact

There is no data with which to estimate the correctional impact of creating these new offenses. However, there will be a correctional impact to the extent that convictions under this statute occur, but the impact is not expected to be significant.

Fiscal Impact

The fiscal impact of HF 2507 cannot be determined due to insufficient information.

However, the total State costs for one Class B felony conviction is approximately \$48,000. This amount includes costs of indigent defense and the Judicial Branch, plus the costs of housing the offender in prison for 87 months, and supervising the offender in the community for 36 months.

Total State costs for one Class C felony conviction is approximately \$27,000. This amount includes costs of indigent defense and the Judicial Branch, plus the costs of housing the offender in prison for 51 months, and supervising the offender in the community for 30 months.

While the fiscal impact on counties cannot be estimated, it does not appear to be significant.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
State Public Defender's Office
Iowa Supreme Court

/s/ Dennis C Prouty

February 26, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
